

USSN: 10/689,942  
Atty. Docket No.: 2002B159/2  
Reply to Office Action of December 20, 2006  
Amendment dated March 9, 2007

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### REMARKS

The Examiner has previously finally rejected claims 1-26 as obvious under 35 U.S.C. § 103(a) by U.S. Patent No. 5,631,316 to *Costemalle et al.*; and (2) finally rejected claims 1-26 as obvious under 35 U.S.C. § 103(a) by U.S. Patent No. 5,621,045 to *Patel et al.*

Before the issuance of any office action, particularly a Final Office Action, Applicants hereby exercises their right under M.P.E.P. § 713 to an in-person interview with the Examiner. Examiner is respectfully requested to call the undersigned attorney to schedule the interview, in the event that all of the claims are not allowed.

### § 103 Rejections

#### § 103(a) rejection over *Costemalle et al.*

The Examiner has rejected claims 1-26 over U.S. Patent No. 5,631,316 to *Costemalle et al.* (hereinafter "*Costemalle*"). Applicants respectfully disagree.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness. MPEP §2142. MPEP §2143, states that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants respectfully submit that the Examiner has not met her burden in proving a *prima facie* case of obviousness. First, the Examiner has not shown that *Costemalle* teaches or suggests all of the claim limitations. Applicants had previously argued, in response to a §102 rejection now withdrawn by the Examiner, that *Costemalle* does not disclose grafted hydrocarbon resins or grafted oligomers, or a combination of both, as stated in claim 1 (on which all other claims depend). In response, the Examiner pointed to column 3 line 17 through column 4, line 51, where *Costemalle* allegedly suggests the use of a hydrocarbon resin grafted with a graft monomer or an oligomer. Applicants respectfully point out that in these specific lines, *Costemalle* is not discussing the use of a hydrocarbon resin grafted with a graft monomer, an oligomer, or a combination of both. He discusses preferred brominated copolymers, and

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their method of cure and graft useful in his invention. Applicants have claimed grafted hydrocarbon resins or grafted oligomers, not grafted copolymers. The grafted hydrocarbon resins of claim 1, as explained further in [0072], differ from Costemalle's copolymers in that, "Typically, the resulting hydrocarbon resin has a number average molecular weight (Mn) of 400-3000..." Costemalle's copolymers, described in column 4, lines 33-34, have a "number average molecular weight of from about 25,000 to about 1,000,000." The molecular weight of the present grafted hydrocarbon resin is quite different from that of the copolymer. Therefore, Costemalle's grafted copolymers do not correspond to Applicants' component c(1), and the Examiner has not shown that Costemalle teaches or suggests all of the claim limitations.

Second, the Examiner has not shown some suggestion or motivation, either in Costemalle itself or in the knowledge generally available to one of ordinary skill in the art, to modify Costemalle to arrive at the current claimed invention.

Third, the Examiner has not shown a reasonable expectation of success to modify Costemalle to arrive at the current claimed invention.

Therefore, Applicants respectfully submit that the Examiner has not met her burden for rejecting these claims and requests reconsideration and withdrawal of this obviousness rejection.

#### § 103(a) rejection over *Patel et al.*

The Examiner has previously rejected claims 1-26 over U.S. Patent No. 5,621,045 to Patel et al. (hereinafter "Patel"). Applicants respectfully disagree. As explained above, it is the burden of the Examiner to initially present a *prima facie* case of obviousness under the standards stated above.

Applicants respectfully submit that the Examiner has not met her burden in proving a *prima facie* case of obviousness. First, the Examiner has not shown that Patel teaches or suggests all of the claim limitations. Applicants had previously argued, in response to a §102 rejection now withdrawn by the Examiner, that Patel discusses crosslinked polymers, not graft resins or graft oligomers of cyclopentadiene, substituted cyclopentadiene, C<sub>5</sub> monomers, and/or C<sub>9</sub> monomers, as recited in the claims. The Examiner stated that this argument was unpersuasive and pointed to column 4, lines 31-61, where Patel allegedly suggests the use of graft polymers. Applicants respectfully point out that in these specific lines, Patel is discussing block or graft copolymers, which is not the same as use of a hydrocarbon resin grafted with a graft monomer, an oligomer, or a combination of both. Applicants again stress that they have claimed grafted hydrocarbon resins or grafted oligomers, not grafted copolymers.

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Therefore, Patel's block or graft copolymers do not correspond to Applicants' component c(1), and the Examiner has not shown that Patel teaches or suggests all of the claim limitations.

Second, the Examiner has not shown some suggestion or motivation, either in Patel itself or in the knowledge generally available to one of ordinary skill in the art, to modify Patel to arrive at the current claimed invention.

Third, the Examiner has not shown a reasonable expectation of success to modify Patel to arrive at the current claimed invention.

Therefore, Applicants respectfully submit that the Examiner has not met her burden for rejecting these claims and requests reconsideration and withdrawal of this obviousness rejection.

#### Conclusion

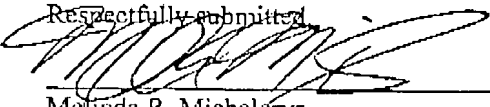
For the reasons advanced above, Applicants respectfully submit that all pending claims are patentable. Allowance of all pending claims is earnestly solicited. If the Examiner has any further comments or questions or believes that a telephone conference will assist or expedite examination of the application, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account No. 05-1712 in the name of ExxonMobil Chemical Company.

Date:

4/25/07

Respectfully submitted,

  
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